

11/2023 –
Updated

Hon. Kelly A. Vacco

Supreme Court
Part 36 – 10th Floor
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Buffalo, New York 14202
Chambers (716) 845-2770
kvacco@nycourts.gov

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SECRETARY:	Pamela Huff	716-845-2692	phuff@nycourts.gov
COURT CLERK:	Renee Pokszywka	716-845-2552	rpokszyw@nycourts.gov

USE OF E-MAIL

This Court utilizes e-mail when scheduling pretrial conferences and other general correspondence. Counsel should forward the Court an e-mail address to facilitate communication. Do not fax.

MOTIONS

Special term is held every other Tuesday at 9:30 a.m. All oral arguments will be conducted **in person.** Please contact Chambers directly if you require a virtual appearance via Microsoft Teams.

Answering papers and/or/cross-motions must be received at the same time counsel is served pursuant to the applicable provisions of the CPLR, but no less than seven (7) days prior to the return date unless approved by the Court. Reply papers must be served no less than four (4) days prior to the return date unless approved by the Court. Affidavits or Affirmations shall not exceed twenty-five (25) pages in length, unless prior approval from the Court is granted. Motions will be adjourned by the Court if papers are not timely filed.

SUMMARY JUDGMENT

For all motions for summary judgment, counsel shall provide hard copies to Chambers. A motion date will be assigned once hard copies are received by Chambers.

CIVIL CONFERENCES

Pretrial conferences will be scheduled upon the Court's receipt of an RJI and/or calendar Note of Issue. A **one-page summary** of the case **is required** in advance of the conference and are to be e-mailed to apace@nycourts.gov **one week prior to the conference.** **Do not mail or fax.**

Any request for an adjournment shall be made to the Judge's secretary or Law Clerk and confirmation of all adjournments and notice of rescheduled dates must be made in writing to all parties and the Court. Adjournments **will NOT** be granted if request is made within one business day of the conference and/or if the matter is beyond the Court's Standards and Goals.

TRIALS AND HEARINGS

Counsel is expected to engage in vigorous efforts to reach settlement in advance of the trial date so that the jury pool will not be unnecessarily expended. The Court will contact counsel before the trial date to ascertain the status of negotiations. The Court adheres strictly to its trial calendar.

Adjournments are only granted with the permission of the Court. Adjournments of a trial require a showing of compelling circumstances. Copies of pleadings, particulars, requests to charge and proposed verdict sheets, and original *in limine* motions, shall be filed five business days, and responding papers filed two business days, in advance of the trial. **Requests to charge must be made by current PJI number only unless significant additional language is requested (with cited authorities) along with Proposed Verdict Sheet and must be e-mailed in Microsoft Word format to apace@nycourts.gov.**

Prior to jury selection, counsel is required to exchange names and addresses of witnesses, including expert witnesses. Prior to the commencement of proof, all exhibits are to be marked for identification.

Orders:

Orders must be submitted by the prevailing party within ten (10) days from decision date with indication that the Order has been sent out to all opposing counsel or pro-se litigant and that no objection has been received. A transcript of the Court's decision, where applicable, must be attached to the proposed Order. Orders will not be signed unless opposing counsel has had an opportunity to review. If no objection after ten (10) days, the Order will be signed without further delay.

All proposed orders should be uploaded to NYSCEF and emailed to the Judge's Court Clerk, Renee Pokszywka at rpokszyw@nycourts.gov.

Temporary Restraining Orders (TRO)

TRO's are granted on a case-by-case basis. TRO's must be on notice of opposing counsel if known. TROs for other Justices will be signed only with the approval of that Justice or Justice's Law Clerk.